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B.P.Lee
12/19/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

DAVID W. HERBAGE, ET AL

Filed: **January 23, 2004**

Serial No. **10/763,789**

For: **Stacked Pellet Flare Assembly and
Methods of Making and Using
the Same**

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Confirmation No.: **7920**

Art Unit: **3641**

Examiner: **Lee, Benjamin P.**

Attorney Docket No.: **A310429.2US**

AMENDMENT

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Washington, D.C. 22313-1450

Dear Sir:

Applicants acknowledge receipt of the Office Action issued in the above referenced application on October 20, 2008.

Applicants appreciate the thorough review of the subject of the invention and the assessment of the prior art. The following claims are currently objected to: Claims 1 through 12, 17 through 19, and 43 through 52. Claims 13 through 16 are currently rejected. Applicant has amended claims 1, 13, 18, 19 and 43 per the Examiner's suggestions and respectfully submits that all claims are now suitable for allowance.

Please refer to the Amendments to the Claims beginning on page 2 and the Remarks beginning on page 7.